

REMARKS

Entry of the foregoing, reexamination and further and favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.112, are respectfully requested.

By the foregoing amendment, claims 1 and 21 have been amended. Support for such amendments can be found throughout the originally filed application. Additionally, claim 4 has hereby been canceled without prejudice or disclaimer to the subject matter recited therein. Applicants reserve the right to file one or more continuation applications directed to any of the canceled subject matter. No new matter has been added.

Prior to addressing the merits of the Office Action, applicants note that in section 2 of the Office Action Summary, both box a (indicating that the action is final) and box b (indicating that the action is non-final) has been checked. The Examiner was consulted about this discrepancy and applicants' representative was informed that the action was NON-FINAL. This is consistent with the records of the United States Patent and Trademark Office as set forth in the PAIR system.

Turning now to the merits of the Office Action, the Examiner has objected to Figures 7B, 8B, 9B and 9D because the photographs of the gels "are dark with no visible bands." Applicants have filed, concurrently herewith, a Submission of Formal Replacement Drawing Sheets for Figures 7A-B, 8A-B and 9A-D. This submission includes better quality photographs for Figures 7A-B, 8A-B and 9A-D. These replacement drawing sheets are otherwise the same as the replacement drawings for Figures 7A-B, 8A-B and 9A-D which were submitted on August 7, 2003. Accordingly, no new matter has been added.

In view of the above, the Examiner is respectfully requested to withdraw the objection to the drawings.

Claim 4 has been objected to under 37 C.F.R. § 1.75(c) as being improper for allegedly failing to further limit the subject matter of a previous claim. This objection is respectfully traversed. However, to expedite prosecution in the present application, and not to acquiesce to the Examiner's objection, claim 4 has been canceled without prejudice or disclaimer. Since this objection is now moot, withdrawal of such objection is respectfully requested.

Lastly, claims 1-4, 7, 9, 12, 13 and 21-24 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for purportedly failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. This rejection is respectfully traversed.

The Examiner has stated once again, with regard to claim 1, that "the metes and bounds of 'said double stranded DNA comprises a sequence that is homologous' to the single-stranded end are unclear." OFFICE ACTION at 3. To overcome this rejection, the Examiner has repeated the suggestion to recite "said double-stranded end comprises sequences [that are homologous]." OFFICE ACTION at 3 (emphasis added). Initially, it is noted that the Examiner's quote of the phrase at issue is not precisely correct. This error, however, does not change the substance of the Examiner's argument. In response to the substance of the Examiner's argument, applicants disagree with both the rejection and the proposed "remediation" since double-stranded DNA consists of two single strands that are mutually complementary. When one sequence in one single strand is homologous to a

certain nucleotide sequence, for example sequence A, another single strand should comprise a sequence that is complementary to sequence A. Therefore, it is applicants' position that "said double-stranded DNA" need not comprise more than one sequence that is homologous to the nucleotide sequence of the single-stranded end of the second double-stranded DNA. As such, applicants consider the Examiner's proposed amendment to be inappropriate. However, to expedite prosecution in the present application, and not to acquiesce to the Examiner's rejection, claim 1 has been amended so as to avoid the use of the words "a sequence", and at the same time, clarify that the nucleotide sequence of only one strand is homologous to the nucleotide sequence of the single-stranded end of the second double-stranded DNA, as shown in the claims as amended.

Additionally, concerning claim 21, the Examiner has stated that "the metes and bounds of 'is complementary to a part of one (the other) end of the sequence' are unclear. OFFICE ACTION at 3. To expedite prosecution in the present application, and not to acquiesce to the Examiner's rejection, claim 21 has been amended to now recite "further comprising a sequence that is complementary to a part of one (the other) end of a sequence"

In view of the above, the Examiner is respectfully requested to withdraw the entire rejection under 35 U.S.C. § 112, second paragraph.

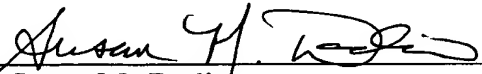
From the foregoing, further and favorable action in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.

In the event that there are any questions concerning this Amendment and Reply or the application in general, the Examiner is respectfully requested to telephone the undersigned so that prosecution of the application may be expedited.

Respectfully submitted,

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Date: January 31, 2005

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